

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

TED SMITH,)	
)	
Plaintiff,)	
)	1:05CV577
v.)	
)	
JO ANNE B. BARNHART,)	
Commissioner of Social Security,)	
)	
Defendant.)	

ORDER

On March 2, 2006, in accordance with 28 U.S.C. § 636(b), the Recommendation of the United States Magistrate Judge was filed and served on the parties in this action and a copy was given to the court.

Within the time limitation set forth in the statute, Plaintiff objected to the Recommendation.

The court has made a de novo determination which is in accord with the Magistrate Judge's report. The court therefore adopts the Magistrate Judge's Recommendation. The Plaintiff's letter motion seeking a reversal of the Commissioner's decision [Doc. # 11] is DENIED, the Defendant's motion to affirm the decision of the Commissioner Doc. # 13] be GRANTED, and this action is DISMISSED with prejudice. Any outstanding motions are DENIED as moot. A Judgment dismissing this action will be entered contemporaneously with this Order.

This the 9th day of October, 2007.

/s/ N. Carlton Tilley, Jr.
United States District Judge